Confidential Collection No. 22/44

Year 1944-45
CB. 134-44-3

Subject: Speech made by Mr. T. Subramanya, president Mysore State Congress, at the Journalists Association.

CONFIDENTIAL.

Collection No. 72-44

Year 1944—1945.

General and Revenue
Secretariat.

CB/134-44-3

Confidential Branch.

SUBJECT

Speech made by Mr. T. Subramanya, President Mysore State Congress at the Tourna Cist & Association.

PREVIOUS REFERENCES.	LATER REFERENCES.
2-B 12-43-52, 179, 80, 81 (CC NO 529 43)	
CB 134-44-1-2 EC CNO 37-44	

4507/pm

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2122/C.B.
29.11.44.

2

Subject:- Speech alleged to have been made by Mr T Subramanya at the Journalist Association of Mysore on the 17th Novr. 1944.

The 'Mathru Bhumi' of 20th Novr. 1944 publishes an article from its correspondent at Mysore regarding a speech made by Mr. T. Subramanya at the Journalists Association of Mysore. According to the order dated the 1st Novr. 1944 issued by the Govt., Mr. Subramanya has been directed to abstain from making public speeches for a period of six months from 1st Novr. 1944. It is not clear if the speech alleged to have been made by Mr. Subramanya at the Journalist Assn: of Mysore on the 17th Novr. 44 could be construed to be a public speech.

A

W

2) Kind reference is invited to an S.B. report dated 24.11.44 stating that the Journalist Association invited Mr Subramanya for Tea and that it was during this occasion that he gave expression to certain political views referred to in the 'Mathrubhumi'.

4430

The Law Secretary will be consulted in the matter.

29/11

3) For remarks on A.

Law Sec. 15/c. UO 3/12/44

5) Cir 4/12

3

6) Hey W order dated 1.11.44 prohibits the Subramanya "from making public speeches for a period of six months."

The point at issue is whether the statement made by the Subramanya can be construed as one "Public Speech"?

7) The facts briefly for Jean by the Journalist Assn, [illegible] public [illegible] [illegible] [illegible]

C. F. 691

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would not place mark a public place ? ...

11) - Authorities may be looked into & a note furnished quickly on the views of authorities

Cus 7-12 4y

Submitted -

with ref to paras 5

9, 10 & 11 of the note supra 7/12/44

S. 12 of the I.P.C. defines the word 'public' as including any class of the public or community. It appears that this d section defines 'public' as a substantive, but it does not declare that its derivatives shall have allied meanings: eg., a private meeting may be open to the public in the sense here conveyed or it may not. A public performance is not only open to any community though it is open to the class of the public which pays for admission.

In popular parlance the word 'public' means the general body of mankind or of a nation or state or community. As including 'any

publication. His position & duty does not prevent him from attending, and speaking at, social gatherings convened by private bodies, such as the Communist Party, which the public has not a right to attend. But matters would be different if the Communist Party called for a Public meeting to which members of the Public had a right to attend, & if Mr Schramm in such a meeting, then he would have contravened the terms of the Prohibitory Order. But such is not the case here.

c). I therefore think that in this particular case, & upon the facts before me, Mr Schramm has not contravened the terms of the Prohibitory Order.

(Asst Secretary) 3 4/12/44

2) public includes a class of the Public. eg a meeting to which a class of the Public has a right of access. a Public Meeting can a member who takes advantage of the permission & delivers a speech in connection with the interest of the members of the meeting class is meant for the public in general. this application

class of the public, the term includes any subdivision of the public however small, but still large enough to form a 'class'. The word community is here interchangeably used with public and as a community may consist of a race or sect or body of men united on any given principle the term is wide enough to include a collection of men with a common bond. But the term in a wider sense means only the people spoken of collectively including class or communities. (vide. Brown's Penal Code)

The word 'public' is used in two different senses: Corpus Juris. Vol. 50. p. 844. 'it is a convertible term; in one sense, the public is everybody: in another it means so many of them as distinguishes them from a few. It includes any class of public or community. (Indian Penal Code s. 12). The word 'public' has two proper meanings. A thing may be said to be public

when owned by the public, also when its uses are public.

A 'public place' includes any 'public place'.
public park, garden, sea beach or railway station and any ground to which the public have or permitted to have access whether on payment or otherwise. (Halsbury's Laws of England. Vol. 17. p. 762.) When the public have access to a place without their to access being refused or interfered with that place is a public place. (1922. AIR. All. 542.) It is a place, where the public go no matter whether they have a right to go or not: If the public resort to a place without let or hindrance it is a public place, though strictly speaking they may be trespassing. (H. S. Gour's Penal Code.). A place may be public at one time and may not be

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so at another time. (vide Byrne's Law Dictionary. p. 711.). Again the Cyclopaedia of Law Dictionary defines a public place as every place that is for the time being made public by the assemblage of people.

'Public Meeting'. 'Public meeting' means any meeting bonafide and lawfully held for a lawful purpose and for the furtherance or discussion of any matter of public concern, whether the admission thereto be general or restricted. (Stroud's Judicial Dictionary: vol III & Halsbury. vol 20)

The report of a sermon in a chapel is not a report of a public meeting. (Halsbury vol. 20.). Such meetings - when the general public is excluded or have no right, if allowed to be present to take any part in the proceedings - should be governed by the bye-laws of the association. (Crew's Procedure at Meetings)

Byrne's Law Dictionary defines a 'public meeting'

9 as an assembly called together by
private persons to direct attention to
some matter of public interest.

According to Corpus Juris (vol. 50.) "Public Business".
public business" is one by which by
reason of its nature, extent or the
exercise of a virtual monopoly thereon,
is such that the public must use
the same for its services: a business
which has for its object the promotion
of the general welfare of all inhabi-
tants or residents within a particular
political division.

As employed in an "Public Address"
ordinance the term was construed
to include a speech on the
common platform addressed to all
persons who choose to draw near
and listen whether a lecture,
political discourse a sermon
(Corpus Juris. Vol. 50)

In the present case, Mr Subramanyam was prohibited from making public speeches for a period of six months under s.2.1.(f) of the Restriction Detention Act 1914 (vide Ex W) The point for consideration is whether Mr Subramanyam violated, the order by addressing the ~~Mysore~~ Journalists Association Mysore.

It will appear that though 'public' includes a class of the public or community, the Journalists Assn Mysore, with a separate organisation makes it is a private body & and does not come under the scope of the word 'public', though the individual members at large may be called members of the public or the body politic. In considering whether a particular locality is a public place or not the Courts look at it in respect of the ~~matter~~ manner in which it was used at the

tion of the alleged offence. The general principle seems to be that the place must be one to which people are at the time privileged to resort without an invitation. (Mayne's Penal Code. p. 177.). It appears no number of the public could go to a private function such as the Communist Association, Lyon, as having a lawful right of access, by right, permission or usage or otherwise.

Kaid ref is invited to A.W.N. 1887. 17 when it was held that a compound of a private house is not a public place. In 10 BLR. 1067 it was held that the place from which the accused did the shouting against drink was verandah of a private house, whereas the order of the District Magistrate which forbade

shouting applied only to a public place, made no difference, for, if a man standing on a private place adjoining a public road shouts into the road words ~~etc~~ deliberately meant for persons moving in that road, he is as such shouting in a public place as if he stood on the road itself and shouted.

On the present case; in as much as ~~the~~ ~~shouting~~ "Journalists Association is a private body, ~~the nor it cannot be construed it is a public place~~) and the in as much as the meeting was held in the Association buildings

is it cannot be construed that the words 'public meeting' have a bearing on the content of the speech delivered, but only in respect of the place; unless it can be shown that the general public also were allowed to attend and the speech was deliberately meant for them. The right of free speech is to promulgate your opinion by speech so long as you do not utter what is treasonable or libellous. But the right of free speech is perfectly a separate thing from the question of place when that right is to be examined. (Law of Nations by Wilson).

In the present case, one Subramany was invited to 'Tea' by the Journalists' Association, Mysore. The function took place in the Association Buildings. Prima facie it appears to be not a public body because only journalists are allowed to become members of the Association. It is not clear, however, whether the any members of the general public also were present at on the occasion. It is obvious that what is a public place may vary from time to time and what the court has to consider is, was a particular place at the time public? Ar (vide. Law of Crimes: Ratanlal. p. 381) A railway platform at the am time of arrival of ~~trains~~ a departure of trains may be a public place: but not so when no trains are running. Similarly in the present case, if non-journalists also were allowed and the proceedings

4567/p^mm Prohibitory Order ag^m Subramaniyan: 'public speech'

is went on in a public manner not ~~g~~ necessarily governed ~~by the~~ rules of the Journalists Association then, perhaps, the meeting may be deemed to be public, and the speech a public speech. In the absence of any such information if any the journalists met and entertained m^r Subramaniyan, it appears it does not amount to a public meeting and the speech may be an address to the members of the Journalists Association which is a private body and therefore not tantamount to public speech.

Then appear to be no other authorities directly in the point.

N.K.H.
8.12.44.

Submitted
11.12.44

The incidents in question took place a long time back. I cannot at present find any authority to fit in exactly to the present case. There does not seem to be any. Subramaniyan - Bro: over. The police may be directed to keep a watch.

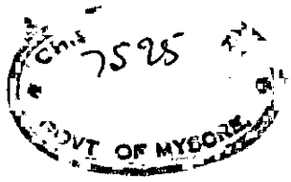
Asst Secy
4/3/45

3
5/3/45

5 MAR 1945
MADRAS

L507 16

I agree with the Office
Note. As public had no rights
to go to the place of meeting
& as the admittances were
restricted to members
& their Ladies, no action can
be successfully taken



W
5-3-45

Chief Sec
5/3/45
(Pl. see Dewan's order on the newspaper abstract.)
It would seem from the above, that the speech of Mr T Subramanya, on 17th Nov 1944 in the premises of the Journalists' Assoc, when they invited him to "Tea", does not constitute a violation of the prohibitory order in force at him
The matter may be dropped.

Mysore Publicity comments are welcome!!

Min Rs & Dewan

W 6/3/45

6/3

Compld 5/3/45

7/3/45

W 8/3/45

Speeches delivered by Mr. T. Subramanya and action taken against him.

. . .

	1.	Speeches delivered on 4th March 1944 at Shimoga and at Shiralkoppa on 5th March 1944, in which he referred to the unhappy incidents that took place at Shiralkoppa where (i) an Amildar and (ii) a Sub Inspector of Police, were murdered; and observed that the Sub Inspector who went there and committed all attrocities and fired at the people, was responsible for the incidents.	The Dy.Commr. Tumkur, was instructed to send for Mr.T.Subramany and warn him suitably to desist from making speeches of an objectionable nature in future. (Flag "C")
Flag "Z"			
" "P"			
" "B"	2.	Speech made at a meeting held at Kalasapura in Chickmagalur Taluk on 30th March 1944, stating that if the Congress had to gain its strength, the people of every village should unitedly oppose Govt. by refusing to pay taxes, by refusing to bid for lands when auctioned by Govt. and by refusing to send their children to schools.	The Dy.Commr. Tumkur, was asked to send for Mr. T.Subramanya once again and warm him that if he does not desist from such objectionable activities, further action would be taken by Govt. against him.
" "A"	3.	Speech at Tarikere on 31st March 1944 in which the State Govt. was characterised as slaves of the British and if the British people are driven out, Congress govt. would be established and all difficulties would disappear.	Flag 'O'
" "D"	4.	Speech delivered at a meeting held in the Town Hall, Mysore, on the 19th Aug. 1944, in which he made a carping criticism regarding the arrangements made by Govt. for the distribution of food grains and stated that if such worthless rules of Govt. are to go, it takes one more hundred years.	An order was issued under Sec.2(i)(f) of the Restriction and Detention (Emergency) Act - 1944, directing Mr.Subramanya to abstain from making public speeches for a period of six months.
			Flag "G"

3434/C.B.

Sub for perusal with the previous C.R.

WD 0726—GPB—25,000—15-9-44

C. F. 69]

3434
C.B.

Continuation Sheet. File No. / Current No. of Page.

lections.

Dewan)

WQ
27/1/45

WQ
17/2/45
CB.

WQ
19/2/45
CB

EM 1078

19 15

Abstract of Kannada newspapers - 20th November 1944.

TAINADU: It is reported that the Congress Party in the R.A. have addressed a letter to the President of the Assembly stating that the Party will not send Representations hereafter. The reason for this decision is that it is not in keeping with the dignity of the House to send Representations which cannot be put to vote. Though it is immaterial for the Government whether matters are brought to their notice in the form of Representations or of Resolutions, it is an important matter from the point of view of the Members as it gives them an opportunity of voting on the motion and thus making it binding generally on the Government even under the present constitution. This also obviates the necessity of listening to evasive and vague replies that are now being given by Government to the representations.

DEWAN'S OFFICE
22 NOV. 1944
NO. M7421

It is reported that a meeting was held a couple of days ago to inaugurate a new Working Journalists' ~~Association~~ Union in Bangalore. Mr. P.B. Srinivasan is the President of this ~~Association~~ Union.

MATHRUBHUMI: Speaking at the Journalists' Association, Mysore, Mr. T. Subrahmanyam, President, Mysore State Congress, said that the non-official Ministers are exerting their influence in connection with the coming elections. Even though instances are brought to the notice of newspapers, they hesitate to give publicity to it. The demand for popular Government is not divorced from the objective of attaining full responsible government but is only a first step towards it. There is no rift in the Congress ranks and no communal feelings.. Mr. Pulla Reddi's appointment is opposed not merely because he is an outsider but because this appointment has put a further impediment in the attainment of Responsible Government.

CB. MG 23/11/44 (Obtained the Dewan's initials) MG 28/11/44

The Congress has no love of power but is fighting hard to get Responsible Government along with the other political parties. To maintain unity the other parties must withdraw in favour of the Congress.

DESHABANDHU: In an editorial on the message sent by H.H. the Maharaja to the II Battalion, Mysore Infantry, on the eve of their departure for service under the Crown, the Paper says that for the last five war-years Mysore has given valuable help to the Allies.

It was apt that the Bangalore City Municipality should have arranged a farewell party in honour of the Unit consisting of the best trained troops who have proceeded to uphold the banner of Mysore in the battlefield fighting by the side of the gallant Allies. The Paper appreciates the assurance that lodging allowances will be given to the families of troops who are now proceeding outside the State and says that this assurance will make them play their part with much greater enthusiasm.

P.T.O.

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JANAVANI: In an editorial on the Dasara Session of the R.A., the Paper says that in his concluding remarks the Dewan has observed that the Bills proposing that the Municipal authorities should issue licences for the construction of cinema theatres after obtaining the consent of District Magistrates were thrown out under the wrong impression that the powers of the Municipalities will be thereby curtailed. What the Dewan said was not correct as the proposed amendments will give a handle to the District Magistrates to interfere with the discretion of Municipal Councils. The Paper trusts that these Bills will not be taken to the Legislative Council.

The Paper agrees with the view that the system of sending in representations at the R.A. should cease as it is not in keeping with the dignity of a House of Legislature.

The Dewan's concluding remarks indicate that there might be three sessions of the Assembly annually in future and this gives scope for tabling more resolutions if the system of representations is abolished.

The Paper trusts that the new Harvest Order will be amended in view of the discussions that took place in the Assembly.

The Paper thanks the Dewan for the assurance given in regard to the Bhatkal Harbour.

In conclusion the Paper trusts that His Highness the Maharaja will give the R.A. the privilege of having an elected President as public opinion is unanimously in favour of it.

MYSORE PATRIKA: In a contributed article it is stated that some people think that Mr. Bulusu Sambamurty came to Mysore not merely to make speeches but for certain negotiations. The correspondent thinks that the Mysore State Congress hoped to learn the trend of the official mind by inviting an Andhra gentleman as both the Dewan and the Minister are Andhras and then get into touch with the Government officers through him.

The fact that Mr. K. Hanumanthiah was with Mr. Sambamurty when he interviewed the Dewan and Mr. Pulla Reddi is a point worth noticing.

submitted for favour

21.11.64

21.11.64

C.B.NO. 158/AA-5
SECRET.

Special Report.

SUBMITTED TO THE DISTRICT MAGISTRATE, MYSORE DISTRICT, MYSORE.

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I. Nationalist party. As reported the meeting of the Working Committee of the Nationalist part took place on 16-11-44 in Mr.T.S. Rajagopala Iyengar's House, Saiyaji Rao Road, Mysore at 6 P.M. Mr. T.S.Rajagopala Iyengar presided. Messrs. N.C.Linge Gowda, A.N.Rama Rao, B.Hutche Gowda, [illegible], P.Shankara Setty, S.Sundara Rao and Nagabhushana Bhatta and several others attended the meeting.

They discussed about the ensuing General Elections and decided on the following:-

1) That Messrs.- K.C.Subbanna, President, District Board, Mysore M.C.Linge Gowda, S.Sundara Rao, S.C.Malliah and B.Hutche Gowda would be in the Parliamentary Sub-Committee and that they should look after propoganda work for the ensuing elections and Ad-hoc Committees should be formed in the Districts.

2) That extensive propoganda work should be taken up by themembers throughout the State and that members should stand for election in every District.

Then they examined the Harvest Order of 1945 and decided to send some suggestions to the Government for the amendment of Sections 4- 6- 8- 11- 12- 15 and 17

II. (a) Congress Activities:- On the evening of 16-11-44 the Congress Municipal party invited Mr.Samba Murthy for Tea at 5 P.M. Mr.B. Narayana Swamy, Vice-President of the City Municipality explained about the working of the City Municipality. Mr.Samba Murthy replied that he can appreciate the working of the Municipality but he wished a non-official President should be in place of an official President. He also mentioned that there are more facilities in Mysore-State for improvements than at Madras.

(b). On 17-11-44 the Journalist Association invited Mr.T.Subramanya President of the State Congress, for 'TEA' in their Association Office at 9-30 A.M.

Mr.T.Subramanya, expressed that the Congress is not agitating for any position in the Government and that it is working for the betterment of the people. He also stated that the opinion of the public that there is difference of opinion among Congress-men and that there is much communal bickering is false and all care is taken by congress men to see such things do not crop up among them. He expressed that the Congress Organisation's aim is the attainment of Responsible Government and that the Congress has no grievance against appointment of a non-Mysorean Minister but they have objection for the appointment of an official Minister which is contrary to the policy of gradual establishment of Popular Government in the State.

The President of the Mysore State Congress seems to have announced to hold a special session of the Mysore State Congress in Mysore City, shortly. The date has not been fixed.

III. Students' activities:- On the evening of 17-11-44 Messrs. Bramahananda, Vice-President of the University Union and H.K.Kumara Swamy, Secretary of the Union along with two other Secretaries had seen the Minister for Education Rajamantrapravina H.B.Gundappa Gowda at his residence. They explained the incident about the misunderstanding between them and the President of the Union.

Mr.Bulusu Samba Murthy visited the Deshiya Vidya Shala, Door No. 1456, Krishnamurthy Puram, Mysore on 18-11-44 at 3-30 P.M. About 30 students had assembled. Messrs.S.Chenniah and M.L. Nanjaraj Urs accompanied Mr.Samba Murthy. He advised the students

to work for the country and appreciated the drawings written by the several students. He emphasised that they should think of their country first and improve their living. He stayed for about half an hour. He said that physicual culture exercise should be given to students at the age of 8 and it should be imparted in such a manner as to develop both body and mind.

Mr.B.Samba Murthy delivered the inaugural address to the students of the University Union Quadrangle at about 9-30 A.M. at his College on 19-11-44. There was photo arrangement before his speech. Messrs. S.Channiah & S.Krishnasharma accompanied him.

The gist of his speech is as follows:-

That his address is only a piece of advice to the young student population and that the University should lay out proper basement for the student to become good citizens and make them to withstand all difficulties which come in their way. He emphasised that the students should also fight for the country and at the same time. He stated that there was some friction in the working of the organisation of the University Union, which is common among all Universities. He further stated that Mysore University has ample scope to produce brilliant and intellectual students for public service. He gave an account of his personal career in the Mysore Educational service as a Physics Teacher and said that the Teachers' profession is the best one. He advised the students that they should co-operate with the teachers and that the teachers should maintain discipline and added that there should be a sort of affection between the students and the teachers. A teacher should be a fellow student and should be one with the student. Finally he concluded that youth is the only period when one can acquire vast knowledge about the world and withstand the difficulties in life.

Mr.B.Samba Murthy left for Bangalore by 11-50 A.M.train with Mr.T.Siddalingiah this day (19-11-44).

IV. Bar Association:- On 17-11-44 Mr.Bulusu Samba Murthy visited the Bar Association at 4 P.M. Mr.M.Laxminarayana Rao, President of the Association welcomed him. Mr.Samba Murthy spoke that the Lawyers' profession is a noble profession and that every lawyer should do full justice to his profession and that at least after the war there would come into force a common international law for the whole world and that every lawyer will have the experience of its enforcementjustly and then alone justice would prevail in its strict sense.

V. On 19-11-44 there was an Inter-hostels Debate Competition in Kannada arranged by the students of Shivarathriswara Vidyarthi Nilaya Sanga, Mysore at the Town Hall this day at 9 A.M. Mr.G. Paramashiviah,High Court Judge, presided. Every Hostel of the City had sent 2 representatives to compete. Finally 5 prizes were awarded to the students of different Hostels. The subject for discussion " ಮಂತ್ರಿಮಂಡಲಗಳು ಭಂಗವಿಲ್ಲದೆ ಕ್ರಮವಾಗಿ ನಿಲ್ಲುವಂತಾಗಲಿ ".

On 18-11-44 Mr.Sambamurthy, presided over a'Debate at 9-30 A.M. in the Bettadapurada Hostel. In his concluding speech he said that it was a good thing that the students should often hold such debates and disucss matters. The subject for discussion was " ವಿದ್ಯಾರ್ಥಿಗಳು ರಾಜಕೀಯದಲ್ಲಿ ಭಾಗವಹಿಸಬಾರದು " was carried by the majority of votes.

VI. Two books in Kannda entitled " ಇಮ್ಮಡಿ ಭೋಜ ಮಾಳವ ಚರಿತ್ರೆ. (2) ಭಾರತ ಮಾತೆ. " written by P.C.Joshi and published by Janatha Sahitya, 121, Sultanpet,Bangalore City were sold in the City.

27 NOV. 1944 C.C.I. Mysore

F.C.141/44-45 Forwarded with compliments to the Chief Secretary to the Government of Mysore, Bangalore, for favour of information.

District Superintendent of Police, Mysore District.

Submitted for perusal
Mr. R & B.
Mr. R.S.S. & P.H.
20/11

24-11-44 Deputy Commissioner Mysore District